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11 Farr Financial, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

11 HOWARD B. HIGGINS, an individual,
12 Plaintiff.

No. C 07-02200 JSW

14 FARR FINANCIAL, INC., a California
15 Corporation, ZENITH INVESTMENT
16 GROUP LLC, a California Limited
Liability Company, AMAECH,
17 GEORGE OZOR, an individual, and
JOHN/JANE DOES I-X, individuals or
entities whose identities are unknown

Defendants.

**STIPULATION BY PLAINTIFF
AND DEFENDANT FARR
FINANCIAL, INC. TO ADOPT
THEIR RESPECTIVE
OPPOSITION AND REPLY
BRIEFS PRESENTLY ON FILE
IN LIEU OF FILING
ADDITIONAL BRIEFS ON
FEBRUARY 8 AND 15, 2008,
AND TO SUSPEND THE
HEARING AND CMC DATES
SET FOR FEBRUARY 29, 2008,
FOR FOUR WEEKS DUE TO
PLAINTIFF'S COUNSEL'S
CANCER SURGERY;
PROPOSED ORDER**

Defendant Farr Financial, Inc. ("Farr") and Plaintiff Howard B. Higgins, by
and through their respective counsels, submit this stipulation and proposed order in
response to: (1) the Court's January 11, 2008, Order Continuing Hearing; and (2) the
necessity expressed by plaintiff's counsel for scheduling changes, as expressed in
plaintiff's Notice Of Appearance And Declaration Of M. Van Smith In Support of
Request To Extend Date of Motion ("Notice").

28 | This Court, in its order of January 11, 2008, gave plaintiff the opportunity to file

1 || an additional opposition brief to Farr's motion pending motion to dismiss by February
2 || § 2008, and gave Farr the opportunity to file an additional reply brief by February 15,
3 || 2008. However, the parties wish to simply adopt their previously filed opposition and
4 || reply briefs rather than file additional briefs on materials

5 Further, the parties recognize that, due to the serious nature of plaintiff's
6 counsel's medical condition as outlined in the Notice he has filed, and unknown
7 medical factors governing when he may return to work which cannot be determined
8 prior to surgery set for January 22, 2008, plaintiff's counsel is uncertain at this time as
9 to precisely when he may be sufficiently recovered to prepare for and appear at the
10 hearing on Farr's motion to dismiss and the Case Management Conference in this
11 matter. As a result, plaintiff's counsel has requested that Farr agree to temporarily
12 suspend the February 29, 2008, hearing date on Farr's motion to dismiss, and the Case
13 Management Conference set for the same date, and to allow plaintiff's counsel four
14 weeks time to determine when he may be able to appear in court on this matter. Farr is
15 amenable to a reasonable delay in light of plaintiff counsel's medical condition, and
16 therefore does not oppose this request. As a result, the parties stipulate to the
17 temporary suspension of the February 29, 2008, hearing on Farr's Motion To Dismiss,
18 and the Case Management Conference set for the same day with the requirement that
19 plaintiff's counsel must inform the Court and the parties in this matter by February 22,
20 2008, as to when he expects he will be able to resume his duties in this matter.
21 Further, the parties request that, after February 22, 2008, the court reset the hearing on
22 Farr's Motion To Dismiss and the Case Management Conference for a date it deems
23 appropriate.

24 IT IS SO STIPULATED

25 Dated: January 8, 2008

LAW OFFICES OF DEK KETCHUM

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By: 
JAY M. GOLDMAN
Attorneys for Defendant Farr Financial, Inc.

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2 Dated: January 17, 2008
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M. VAN SMITH, ESQ.

4 By: M. Van Smith
5 M. VAN SMITH
6 Attorney for Plaintiff Howard B. Higgins

ORDER

7 Good cause appearing, IT IS SO ORDERED that:

- 8 1. Plaintiff's previously filed opposition to Farr Financial, Inc.'s pending motion to
9 dismiss, and Farr Financial, Inc.'s previously filed reply, shall be adopted in lieu of the
10 option of additional filings as originally provided in this Court's January 11, 2008,
11 Order Continuing Hearing; and
12 2. The February 29, 2008, hearing on Farr Financial, Inc.'s pending Motion To
13 Dismiss, and the Case Management Conference set for the same date, is temporarily
14 suspended pending receipt of information from Plaintiff's counsel as to when he will
15 recover from pending surgery. Plaintiff's counsel is to inform the Court and the parties
16 of his expected recovery date by February 22, 2008, and the Court will reset these
17 matters thereafter as it deems appropriate

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19 Dated: January 18, 2008
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Jeffrey S. White
21 HON. JEFFREY S. WHITE
United States District Judge
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